

BEFORE THE
FEDERAL ELECTION COMMISSION

American Democracy Legal Fund,)
)
Complainant)
)
)
v.)
)
Republican National Committee et al.,)
)
Respondents)
)

MUR 6888

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**RESPONSE OF SCOTT RIGELL, SCOTT RIGELL FOR CONGRESS, INC. & JOSEPH WOOD, JR.
TO SUPPLEMENTAL COMPLAINT OF AMERICAN DEMOCRACY LEGAL FUND**

On October 14, 2014, the American Democracy Legal Fund ("ADLF" and/or "the Complainant"), filed a complaint against Republican National Committee and other respondents in this matter, alleging that based on their opinion the respondents had violated federal election law regarding coordinated communications. See Complaint, pp.1-2. A Supplemental Complaint of ADLF was received by the Scott Rigell for Congress, Inc. campaign on November 14, 2014. This Supplemental Complaint contained additional allegations and respondents with respect to those new allegations, including Scott Rigell, Scott Rigell for Congress, Inc., and his Treasurer Joseph B. Wood (collectively "Rigell Campaign").

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), all complaints "should"

- clearly identify as a respondent each person or entity who is alleged to have committed a violation;
- statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainant's believe in the truth of such statements;
- contains a clear and concise recitation of the facts which describe a violation of statute or regulation; and

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- be accompanied by any documentation supporting the facts alleged.¹

Furthermore, in MUR 4960, the Commission stated the following:

The Commission may find "reason to believe" *only if* a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA. Complaints not based upon personal knowledge *must* identify a source of information that reasonably gives rise to a belief in the truth of the allegations presented. (emphasis added)²

By all accounts, the Complaints failed this standard. The Rigell Campaign entered into a good-faith contractual relationship with i360 data services in which we fully disclosed all payments and paid full fair market value for all goods/services rendered from May 13, 2014 through election day. Under the said contract, the Rigell Campaign was a simple subscriber, no more, no less. As a result, we passively received data from i360 and never sent any information back to the vendor in question that could conceivably be used by a common vendor in a coordinated communication.

Furthermore, the Complaint fails to ever allege facts or a legal theory that would actually constitute a violation of the law. It is clear that i360 is not a "common vendor" as defined under the 11 C.F.R. 109.21(d)(4) because it does not "create, produce, or distribute" communications. Instead, the Complaint makes the following utterly baseless claim on page 6 of their complaint:

"Reports filed with the Commission have revealed the identities of the Republican state party committees and federal candidate committees that are using i360's voter database, and *therefore, passing on crucial non-public voter information* to i360's other "independent" clients, entities that are legally prohibited from coordinating with the party and candidate committees." -- Page 6, ADLF Supplemental Complaint

The Complaint makes this assertion with no evidence to support their underlying assumption. There was no mention about the Rigell Campaign's use of the data, or how this data was allegedly shared, or even alleging that shared data is in somehow a violation.

¹ See 11 C.F.R. §111.4(d) and MUR 5878, SOR of McGahn, Hunter, and Petersen (available here: <http://eqs.fec.gov/eqsdocsMUR/13044342628.pdf>)

² See MUR 4960 (Hillary Rodham Clinton For U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 1

In summary, the Federal Election Commission (FEC) should immediately dismiss the complaint against the Rigell Campaign because it is a politically motivated complaint that fails to allege facts or even offer a legal theory that amount to a violation of the law.

WHEREFORE, the Rigell Campaign respectfully request that they be dismissed from the Supplemental Complaint and that the Commission award them attorneys' fees incurred in responding to ADLF's frivolous complaint.

This 22 day of December, 2014.

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